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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/764,033	01/16/2001	John Addink	302.31-US1	5699	
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ROBERT D. FISH			EXAMINER		
RUTAN & TUCKER, LLP 611 ANTON BOULEVARD			LEE, PATRICK J		
FOURTEENTH FLOOR COSTA MESA, CA 92626-1998			ART UNIT	PAPER NUMBER	
			2878		

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Applicat	ion No.	Applicant(s)	
Office Action Summan	09/764,0	033	ADDINK ET AL	
Office Action Summary	Examine	er	Art Unit	
	Patrick J		2878	
The MAILING DATE of this communicated Period for Reply	ation appears on th	ie cover shee	t with the correspondence	address
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICA  - Extensions of time may be available under the provisions of 3 after SIX (6) MONTHS from the mailing date of this communi  - If the period for reply specified above is less than thirty (30) of  - If NO period for reply is specified above, the maximum statut  - Failure to reply within the set or extended period for reply will  - Any reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).  Status	ATION.  37 CFR 1.136(a). In no e ication.  days, a reply within the state or or period will apply and to be ap	vent, however, ma atutory minimum of will expire SIX (6) I plication to becom	y a reply be timely filed thirty (30) days will be considered ti dONTHS from the mailing date of thi e ABANDONED (35 U.S.C. § 133).	mely. s communication.
1) Responsive to communication(s) filed	on <u>16 January 20</u>	<u>001</u> .		
2a) This action is <b>FINAL</b> . 2b	)⊠ This action is	s non-final.		
3) Since this application is in condition for closed in accordance with the practice Disposition of Claims				the merits is
4) Claim(s) is/are pending in the a	application.			
4a) Of the above claim(s) is/are	withdrawn from co	onsideration.		
5) Claim(s) is/are allowed.				
6)⊠ Claim(s) <u>1-14</u> is/are rejected.				
7) Claim(s) is/are objected to.				
8) Claim(s) are subject to restriction Application Papers	n and/or election	requirement.		
9) The specification is objected to by the E	xaminer.			
10) The drawing(s) filed on is/are: a)	accepted or b)	objected to b	y the Examiner.	
Applicant may not request that any objecti	ion to the drawing(s	) be held in ab	eyance.  See 37 CFR 1.85(a	ı).
11) The proposed drawing correction filed or	n is: a)∏ a	pproved b)	disapproved by the Exam	niner.
If approved, corrected drawings are requir	red in reply to this O	ffice action.		
12) The oath or declaration is objected to by	the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120				
13) Acknowledgment is made of a claim for	r foreign priority ui	nder 35 U.S.0	C. § 119(a)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:				
1. Certified copies of the priority do	cuments have bee	n received.		
2. Certified copies of the priority do	cuments have bee	n received in	Application No	
<ul> <li>3. Copies of the certified copies of the application from the Internation</li> <li>* See the attached detailed Office action for</li> </ul>	onal Bureau (PCT	Rule 17.2(a)	).	al Stage
14) ☐ Acknowledgment is made of a claim for d		-		al application)
a) The translation of the foreign languation of the foreign languation.	age provisional ap	plication has	been received.	- F E 20.0.1)
Attachment(s)	,, .		Julius 20 12 11	
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-8)  Information Disclosure Statement(s) (PTO-1449) Paper			w Summary (PTO-413) Paper Nof Informal Patent Application (F	
. Patent and Trademark Office FO-326 (Rev. 04-01)	Office Action Summa	rv	Par	t of Paper No. 4

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#### **DETAILED ACTION**

#### Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Originally numbered claim 12 regarding the amount comprising a percentage has been renumbered 14.

## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller 5,479,339. Miller discloses an irrigation control and management system that measures the amount of evaporation with an evapotranspiration sensing device (23), compares with historical data located in a storage device (31), and determines a reference weather data amount based on historical or current weather data accumulation through

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the use of a microprocessor (14). Based on the amount of evapotranspiration, the system can alert an operator through display (33). As stated in column 4, lines 12-14, although an evapotranspiration sensing device is most applicable for irrigation purposes, any device that can provide weather data is acceptable. The sensing device is designed to collect data in real-time fashion, which allows for current conditions to be measured (see column 5, lines 16-21). A storage device (31) stores both data collected by the device (column 5, lines 63-67) and historical weather data (column 6, lines 40-48).

With respect to claim 9, it is inherent that the microprocessor (14) is in communicative contact with the measuring device (23) so that the microprocessor can receive the weather data from the measuring device.

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7. Claims 2-8, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Miller 5,479,339.

With respect to claims 2 and 3, Miller does not explicitly disclose the use of a solar radiation sensor or a temperature sensor, but states the use of a weather determining means. However, it is known to include amount of sunlight and temperature as variables measured by their respective sensors to determine the weather. Thus, it would have been obvious to one of ordinary skill in the art to substitute different sensors, such as temperature or solar radiation sensors, in order to assess the weather.

With respect to claim 4, Miller fails to disclose the use of a storage device that comprises a non-volatile memory. Miller instead teaches the use of a read-and-write memory (31). However, it would have been obvious at the time of the invention to one skilled in the art to use a non-volatile memory as it provides only a read-only mode. This would prevent any accidental loss of data by writing over previous historical data.

With respect to claim 5-6, while Miller does not state that the storage device and microprocessor are located together, it would have been obvious at the time of the invention to one of ordinary skill in the art to place the two components adjacent to each other either in an irrigation controller or a personal computer. This would allow for accurate transfer of historical data from the storage device to the microprocessor with a diminished possibility of disruption of the data link.

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With respect to claims 7-8, Miller discloses (see column 4, lines 40-45) that the sensing device (23) is located very close to the station (10), which includes the control unit (14) for convenience purposes. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the sensing device either local or distal to the microprocessor. Reasons could either include convenience in terms of maintenance (local) or convenience in terms of collection of accurate data (distal).

With respect to claims 10-11, Miller does not disclose whether the connection between the microprocessor (14) and the sensing device (23) is wireless or wired. However, it would have been obvious at the time of the invention to one of ordinary skill in the art to utilize a wireless connection in order to obtain measurements from distant locations not conducive to wiring. In addition, it also would have been obvious to one of ordinary skill in the art to utilize a wired connection due to its reduced expenses in comparison to a wireless connection.

With respect to claim 12, Miller (see Miller claim 44) discloses a system which signals to an operator should projected water usage approach a threshold. It would have been obvious to one of ordinary skill in the art to use an audible signal should the amount exceed a threshold in order to effectively catch the attention of the operator.

With respect to claims 13-14, Miller's invention determines a reference weather data amount based on historical and current weather data accumulation (see column 12, lines 46-50). However, it would have been obvious to one of ordinary skill in the art that the amount calculated be either a percentage or number based on the weather data in order to get an accurate estimate of how the current data compares to historical data.

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#### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are of interest as they disclose different weather sensors/warning systems:

- a. U.S. Pat. No. 6,177,873 to Cragun
- b. Japan Pat. No. 411258358A to Furuta et al.
- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Lee whose telephone number is (703) 305-3871. The examiner can normally be reached on Monday through Friday, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

PJL

October 9, 2002

Patrick J. Lee Examiner Art Unit 2878,

DAVID PORTA

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800